

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

FEBRUARY 6, 2019

A Regular Meeting of the Harlingen Elective Commission was held February 6, 2019 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

MAYOR and COMMISSIONERS

Chris Boswell, Mayor
Richard Uribe, City Commissioner, District 1
Michael Mezmar, Mayor Pro-Tem, District 3
Ruben De La Rosa, District 4
Victor Leal, City Commissioner, District 5

ABSENT

Tudor Uhlhorn, District 2

STAFF PRESENT

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Allison Bastian, Asst. City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Invocation/Mayor Chris Boswell

Pledge of Allegiance/Welcome

1) Approval of Minutes

a) Regular Meeting of November 26, 2018

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to approve the minutes of the Regular Meeting of November 26, 2018. Motion carried unanimously.

2a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit to allow a contractor/shop, plumbing in a General Retail (GR) District located at 2505 F.M. 508, bearing a legal description of Lot 2, Block 1, Alexandria Estates Subdivision. Applicant: Roberto Cabrera.

b) Consideration and possible action to approve a request to close the following streets: Fair Park Blvd. between "L" Street and "J" Street and North "L" Street between Fair Park Blvd. and West Adams Street, for the Jalapeno 100, Saturday, February 23, 2019 from 5 a.m. to 5 p.m.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Consent Agenda Items 2 (a) and (b). Motion carried unanimously.

3) Consideration and possible action to approve an Interlocal Agreement between the City of Harlingen and the City of Brownsville for the sale of Arbitrator In-Car Video Systems to the City of Brownsville Police Department for \$2,000.00, declare the equipment, as surplus property, and authorize the City Manager to sign the agreement.

Michael Kester, Interim Chief of Police stated the Harlingen Police Department purchased new Watch Guard In-Car Video Systems which were installed in early 2018 and are currently in service. The old Arbitrator In-Car Video Systems are no longer in use. The Police Department is requesting permission to declare the arbitrator systems as surplus items and allow the department to sell these systems to the City of Brownsville Police Department for the amount of \$2,000.

Motion was made by Commissioner De La Rosa and seconded by Mayor Pro-Tem Mezmar to approve the Interlocal Agreement between the City of Harlingen and the City of Brownsville for the sale of Arbitrator In-Car Video Systems to the City of Brownsville Police Department for \$2,000.00, declare the equipment, as surplus property, and authorize the City Manager to sign the agreement. Motion carried unanimously.

- 4) Consideration and possible action to approve a resolution authorizing the Mayor to enter into an agreement with Cameron County Emergency Communication District (CCECD 911) to enable the City of Harlingen, Texas (COH) to participate in the Early Warning Notification System (EWNS), also known as Emergency Alert System (EAS), for certain emergencies utilizing the 9-1-1 Emergency Telephone Number System (ETNS) in Cameron County, Texas and Vesta Alert (Reverse 911) System Technology.

Mr. Kester mentioned this was an update to the current agreement with Cameron County 9-1-1 Emergency Communication District. There are several changes being mentioned on this updated agreement and Ms. Sylvia Barajas is present tonight on behalf of the County in case the Commission had any questions.

Mayor Boswell inquired if the District Offices and the 9-1-1 offices were located in Harlingen and if Mr. Kester could explain how the health system works.

Mr. Kester responded the offices were in Harlingen and explained that the 9-1-1 System is a countywide system paid by the county and provided to Harlingen citizens as long as City agreed to do so. In case of an emergency, the system will send out alerts from the communications system.

Commissioner Leal asked if this system will be like the Amber Alert that appeared on the citizen's phones.

Mr. Kester replied those alerts are done slightly different than the 911 Emergency System.

- 5) Consideration and possible action to enter into a contract with the Department of State Health Services Contract #HHS000371500005 and authorize the Mayor to sign the contract.

Josh Ramirez, Environmental Health Director, briefly highlighted the 2017 Hurricane Public Health Crisis Response Cooperative Agreement Grant. The grant would allow the City of Harlingen to expand its Vector Control Program by purchasing new equipment, obtain additional training for staff and hire additional temporary staff to assist in identifying and testing mosquitoes. With this funding, the City's Environmental Health Department will also host trainings on food and water borne diseases.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to enter into a contract with the Department of State Health Services Contract #HHS000371500005 and authorize the Mayor to sign the contract. Motion carried unanimously.

- 6) Consideration and possible action to approve an ordinance on first reading amending Chapter 18 of the Harlingen Code of Ordinances establishing the correction of rental fees for the Rangerville Park Pavilion and Gazebo.

Javier Mendez, Director of Parks and Recreation, stated staff is requesting to amend the Master Fee Ordinance to reflect the correct rental fee rates for Rangerville Park Pavilion and Gazebo. On July 11, 2018, the City Commission approved the new and updated fees, which included the recommended rental fees for park facilities. Inadvertently, the schedule of fees that were presented and adopted for the pavilion rental and gazebo rental were switched. The fees that were adopted for the pavilion rental are \$75 for residents and \$90 for non-residents per day and for the Gazebo rental is \$100 for residents and \$125 for non-residents per day. Staff is requesting to correct the rental fees.

Allison Bastian, Asst. City Attorney, read the ordinance caption.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve an ordinance on first reading amending Chapter 18 of the Harlingen Code of Ordinances establishing the correction of rental fees for the Rangerville Park Pavilion and Gazebo. Motion carried unanimously.

- 7) Consideration and possible action regarding the participation of the Mayor and City Commissioners in the 2019 It's Time Texas Challenge Pledge.

Mr. Mendez stated "It's Time Texas Challenge" This was the third year, the City of Harlingen participated and this year the program consisted of eight (8) weeks statewide from January 7th through March 3rd. Last year, the City of Harlingen placed 1st place and received a grant of \$1,800. The grant funding was used for health-related efforts. By signing this year's pledge the City of Harlingen will receive 2,500 points and of today, Harlingen ranked number one on points.

Mayor Boswell stated the competition is to raise awareness throughout the state of Texas about the importance of everybody staying active and being physically fit. We know that part of the industry and the healthcare community and local governments all understand that keeping their workforces physically fit and with a lot of activity is something that is good for business. This keeps people at work and out of the doctor's office or in the hospital. We are encouraging everybody to get out and participate in a lot of these activities that we will be doing over the course of the next 3 weekends. We have a lot going on like the Kid Fit and the Harlingen Marathon and the Second Boston Qualifier Marathon in our City. We also have the Jalapeno 100 Bicycle Race and the Mayor's Walk.

8) Consideration and possible action to amend the rental contract for the Harlingen Cultural Arts Center.

Javier Mendez stated staff is requesting to amend the contract to include the same language used for the rental of Casa De Amistad, Casa Del Sol and Harlingen Community Center, to allow the serving of alcohol with the condition that they have off duty city police officers on site. He recommended including language in the agreement that the entire building would have to be rented to avoid mixed occupancy during the events when alcohol is served.

City Manager Dan Serna, mentioned that smoking is not permitted in any City building and this provision should remain on the contract.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to amend the rental contract for the Harlingen Cultural Arts Center. Motion carried unanimously.

9) Consideration and possible action to approve a resolution supporting relief from nonpayment and disconnection policies for services provided by the Harlingen Water Works System for federal employees.

Carlos Sanchez, Assistant City Manager stated that on January 30, 2019 the Harlingen Water Works System Board approved a resolution approving a temporary variance to payment and disconnection policies for furloughed federal employees. Said action provides relief by waiving late payment penalties and suspending disconnection of services on delinquent accounts maintained by said federal employees during the shutdown and for a period of 21 days thereafter. Approval of the resolution would provide relief from late fees created by the city services and fees billed through the HWWS billing system; solid waste collection services and the street maintenance fee.

A short discussion was held regarding to the subsequent furloughs in 2019 and if this would also be part of the resolution.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to include into the resolution subsequent furloughs in 2019 in case there would be another government shutdown and approve the resolution supporting relief from nonpayment and disconnection policies for services provided by the Harlingen Water Works System for federal employees. Motion carried unanimously.

10) Consideration and possible action to approve a resolution calling and ordering the May 4th, 2019 City of Harlingen General Election to elect one member for the position of Mayor (At-Large) and two (2) members for the position of City Commissioner, District 1 and District 2 and any other matters related to the election.

Amanda C. Elizondo, City Secretary stated the purpose of the resolution is call and order the City of Harlingen General Election for May 4, 2019 between the hours of 7 a.m. to 7 p.m. to elect one member for the position of Mayor (at-large), and two members for the positions of City Commissioners, District 1 and District 2 to the elective governing body; designating the voting precincts, designating the voting places. The Early Voting will be held in City Hall, Town Hall Meeting Room. The City will hold the Election jointly with school district and early voting will be held starting April 22nd and ends April 30th from 8 a.m. to 5 p.m. with the exception of two days from 8 a.m. 8 p.m. The school will be calling their election on February 12th, 2019. The inter-local agreement will be placed on the next agenda for the City Commission's consideration and approval.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to approve the resolution calling and ordering the May 4th, 2019 City of Harlingen General Election to elect one member for the position of Mayor (At-Large) and two (2) members for the position of City Commissioner, District 1 and District 2 and any other matters related to the election. Motion carried unanimously.

- 11) Consideration and possible action to postpone the Harlingen Regular City Commission Meeting of March 6, 2019 due to the Harlingen/San Benito Day at the Capitol.

City Manager Dan Serna mentioned the City will be in Austin March 5th and returning on March 6th for the Harlingen/San Benito Day at the Capitol. Staff is requesting to postpone the meeting to March 7th for everyone to be present at the meeting.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to postpone the Harlingen Regular City Commission Meeting of March 6, 2019 due to the Harlingen/San Benito Day at the Capitol. Motion carried unanimously.

- 12) Consideration and possible action to appropriately recognize the significant contributions made to the City of Harlingen by Herb Kelleher and Southwest Airlines.

Mayor Boswell gave a short recognition to honor the memory of Herb Kelleher, founder of Southwest Airlines. The City of Harlingen was the fourth destination city for the airline and now Southwest Airlines. Southwest Airlines is the busiest airline in the United States. They serve more flights and much more passengers than any other airline. Herb Kelleher was a friend to the City of Harlingen and a personal friend to many people in this community as well. Many people got to know him when he brought Southwest Airlines and he contributed to our economic development. The Airport Director made an announcement on the Dallas Newspaper extending our condolences to his family and the Southwest Airlines staff on behalf of the City of Harlingen. Our suggestion is to authorize the City Manager to come up with something appropriate in honor of Herb Kelleher and Southwest Airlines.

Commissioner Uribe suggested naming a room in the Convention Center after Mr. Kelleher.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to authorize our City Manager to look at the six ideas presented to him and move forward with it. Motion carried unanimously.

- 13) Executive/Closed Session on the following items:

- a) Attorney consultation pursuant to Section 552.071, Texas Gov't Code for legal advice and counsel in connection with the prior conveyance to Texas State Technical College of real property located along the Northeast portion of State Highway Loop 499 in Harlingen.
- b) pursuant to Texas Gov't. Code Sec. 552.072 and 551.071 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City of Harlingen with a third person regarding the acquisition of real property for **Trails Project**.
- c) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov't. Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Dream** and to seek legal advice from the City Attorney regarding the subject matter.
- d) pursuant to Sections 551.071, 551.072 and 551.087, Texas Gov't Code, to discuss or deliberate regarding commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with ULA, and to deliberate the purchase, exchange, lease, or value of real property, and to seek legal advice from the City Attorney regarding the same.
- e) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov't Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Development** and to seek legal advice from the City Attorney regarding the subject matter.

At 6:00 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 13 (a, b, c, d, & e).

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to convene into executive session to discuss Item No. 13 (a, b, c, d, & e). Motion carried unanimously.

At 6:38 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 14) Consideration and possible action on Item 13 (a) as discussed in executive session.

No action was taken on Item 13 (a).

- 15) Consideration and possible action on Item 13 (b) as discussed in executive session.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve Item 13 (b) as discussed in executive session. Motion carried unanimously.

- 16) Citizen Communication

Ik Sisson, resident of 7101 W. Business 83 Lot No. 51, stated he is concern with conditions of the roads where he lives. Ten years ago Mayor Boswell and I had a meeting and he signed a paper stating the roads were private. I believe these roads have been private for 50 years and the people out there are tired of fixing potholes. I am here tonight to ask to for a meeting with the Mayor Boswell and Mr. Dan Serna, City Manager to discuss this matter. Since the annexation was done we have been paying city taxes and the roads have never been fixed.

Mayor Boswell stated a meeting would be scheduled to discuss this matter and staff would contact Mr. Sisson to inform him of the date and time.

There being no further business to discuss, Mayor Boswell adjourned the meeting at 6:20 p.m.

ATTEST:

Amanda C. Elizondo
Amanda C. Elizondo, City Secretary

CITY OF HARLINGEN

Chris Boswell
Chris Boswell, Mayor